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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,176

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Reiko Wachi

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27572

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EXAMINER

LOKE, STEVEN HO YIN

ART UNIT

PAPER NUMBER

2811

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,176	Applicant(s) WACHI, REIKO	
	Examiner Steven Loke	Art Unit 2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/16/04, 4/4/05. 5/31/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS (5/31/05)</u> |

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1. Applicant's election with traverse of claims 1-5, 10 and 11 in the reply filed on 5/19/05 is acknowledged. The traversal is on the ground(s) that all groups of claims are sufficiently related to each other that an undue burden would not be placed upon the Examiner by maintaining all groups in a single application. This is not found persuasive because the second embodiment of the invention is directed to a structure different from the structure of the first embodiment. A serious burden would be placed upon the Examiner because a separate search would be required for the second embodiment.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-9 and 12-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species and invention, respectively, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/19/05.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the substrate in line 2 of claim 10 is similar to the substrate in line 1 of claim 10.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 10 and 11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Okamoto et al. (U.S. Patent no. 6,563,554).

In regards to claim 1, Okamoto et al. show all the elements of the claimed invention in fig. 1. It is an electro-optical device [100], comprising: a pair of substrates [4, 5]; an electro-optical material [1] held between the pair of substrates by a sealant (the structures that connected to the edges of substrates [4, 5], col. 14, line 66 to col. 15, line 4); and a resin layer [11] (column 18, lines 62-64, column 44, line 9) (it is believed that the same reference numeral represents the same material in the entire specification of Okamoto et al.) provided on at least one substrate [5] of the pair of substrates, wherein tapers (the taper formed at the edge of region [10a] and the taper formed between regions [10a, 9a]) of the resin layer have a plurality of different angles.

In regards to claim 2, Okamoto et al. further disclose the resin layer [11] is formed in a display region [9a, 10a] and a peripheral region of the display region (the edge region of region [10a]), wherein the tapers are formed in the display region and the peripheral

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region of the display region, and wherein an inclination of the taper formed in the display region [9a, 10a] is larger than an inclination of the taper formed in the peripheral region of the display region (the edge of region [10a]).

In regards to claim 3, Okamoto et al. further disclose the display region comprises a transmissive display region [10a] and a reflective display region [9a], and wherein the taper formed in the display region is formed at a boundary between the transmissive display region [10a] and the reflective display region [9a].

In regards to claim 4, Okamoto et al. further disclose the taper in the peripheral region of the display region (the edge region of region [10a]) is formed in a region where an electrode wiring [6] is formed.

In regards to claim 10, Okamoto et al. show all the elements of the claimed invention in fig. 1. It is a substrate for an electro-optical device [100], comprising: a substrate [5]; and a resin layer [11] (column 18, lines 62-64, column 44, line 9) (it is believed that the same reference numeral represents the same material in the entire specification of Okamoto et al.) provided on the substrate, wherein tapers of the resin layer (the taper formed at the edge of region [10a] and the taper formed between regions [10a, 9a]) have a plurality of different angles.

In regards to claim 11, Okamoto et al. further disclose an electronic apparatus (col. 1, lines 10-17) comprising the electro-optical device according to Claim 1.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al.

In regards to claim 5, Okamoto et al. differ from the claimed invention by not showing the taper of the display region has a first angle with a base to height ratio from 4:1 to 2:1, and the taper in the peripheral region of the display region has a second angle with a base to height ratio from 8:1 to 4:1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the taper of the display region has a first angle with a base to height ratio from 4:1 to 2:1, and the taper in the peripheral region of the display region has a second angle with a base to height ratio from 8:1 to 4:1, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Loke whose telephone number is (571) 272-1657. The examiner can normally be reached on 8:20 am to 5:50 pm.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sl
August 4, 2005

Steven Loke
Primary Examiner
